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LAWS of LINCOLN DISTRICT

Passed at various meetings - confirmed at a meeting at a meeting called to receive the report of the committee appointed - to codify and correct the same -

- An act to define the boundaries of Lincoln District :-

Section I Be it enacted by the citizens of Lincoln District in council assembled that the boundaries of Lincoln District shall be known & described as follows: Beginning at a pine tree on the South bank of Fall River about 100 yards above [illegible] Lewis Mill being the [illegible] South East corner of [illegible] district, thence on a line due North until said line [illegible] intersects the consolidated ditch thence up the line of said ditch to a point where it crosses the South branch of Ranch creek, thence West one and a half miles above Ranch creek until it intersects a line running N. & S. which has been established & marked as the boundary line between [illegible] & Lincoln districts thence South on said line to the top of the 2nd divide South of Fall River, thence on an easterly line to the place of beginning.

Section II Be it further enacted that no change shall hereafter be made in the boundaries of this district without the consent of its citizens as hereinafter provided

Section III Be it further enacted that if any persons shall wish to change the boundaries of this district, or erect another within the same, or annex any territory before that time not belonging thereunto, a public meeting of the citizens of this district shall be called & (10) ten days notice given thereof by posting (12) twelve notices of said meeting in as many conspicuous places. If the petition for a new district or a change of boundary applied for in this district be granted it shall not take effect for ten (10) days thereafter

An act defining claims & regulating the title thereto

Section 1. Be it enacted by the citizens of Seminole district in convention assembled that all mining lodes of Gold or any other precious or useful metals & all mining and other claims shall be held under and defined by the provisions of this act.

Section II. Be it further enacted that the term claim as used in this district shall be construed to mean when applied to a lode (100) One Hundred feet running the length of the same and (50) Fifty feet in width including all cross lodes and branches, and parallell lodes within the 50 feet; when applied to a gulch, 100 feet in length, following the meanderings and extending from mountain to Mountain; when applied to placer or patch diggings 100 feet square; when applied to tunneling claims for discovery purposes shall not exceed 1000 feet in length as shown by record and the stake at the mouth of the tunnel; when applied to a Water claim 250 feet in length and extending from mountain to mountain; when applied to a ranch or farming claim 160 acres; when applied to a building claim 40 feet front, depth as per survey when applied to bar claims on Fall river shall be 100 feet in length and from the centre of the stream to the base of the mountain.

Section III. Be it further enacted each miner shall be entitled to hold 1 River claim; 1 Bar claim; 1 Gulch claim 1 Placer or patch claim; 1 claim on each quartz lode by pre-emption & 200 feet by virtue of discovery. 1 Water claim or mill privilege of (250) feet, 1 Tunnel claim & 1 Town lot and no more except by purchase.

Section IV. Be it further enacted that no party shall be entitled to hold a discovery as such, until said party shall have made an actual discovery of the crevice.

Section V. Be it further enacted no claims shall be considered valid unless recorded within ten days

Section VI. All claims shall be held as vested rights in this district, Tunnel claims & town lots only excepted, Tunnel claims must be commenced before June 1st 1861

Con-

-tinued ~~V~~ Section VI and after that date forfeited if not worked six days in every month. Town lots forfeited if not built upon before June 1st 1861 - To become vested rights when improved.

Section VII. Be it further enacted where claims are held by companies it must be so stated on the stake marking such claim with the name of each member of the company and to appear upon the Records with the description of said claim

Section VIII Be it further enacted all persons recording discovery claims shall name the lode and state as near as practicable the location of the lode and discovery

Section IX Be it further enacted that in all gulches or ravines where water is insufficient for general use the oldest claimant shall have priority of right to use of water

Section X. Be it further enacted all discovery claims shall be marked as such

Section XI. Be it further enacted that when water companies shall be engaged in bringing water into any portion of the mines they shall have the right of way secured to them and may pass over any claim road or ditch provided the water shall be so guarded as not to interfere with any vested right

Section XII Be it further enacted that the rules and regulations observed in mining regions within the United States relating to digging for gold or other precious or useful metals under buildings, lots, ranch, farming and other claims shall be observed in this district

Section XIII. Be it further enacted that no claims shall be regarded as valid pre-empted or recorded in fictitious or false names, nor persons not resident of the territory except the same are made in good faith.

Section XIV Be it further enacted that the Recorder of this district shall be and is hereby empowered and authorized to discharge the duties of "Notary Public"

Section XV Be it further enacted that the Recorder shall be and is hereby empowered to sell all claims recorded upon which his fees may remain unpaid. Such claims to be sold at public vendue to the highest bidder

Section XV After three days notice the proceeds of such sales above his charges and costs to revert to a fund for the improvement of roads

An Act relative to Tunnel claims & defining the right thereto.

Section I Be it enacted by the citizens of Lemerhi district in convention assembled that if any person or persons shall locate a tunnel in this district for the purpose of discovery, He or they shall first file a specification of the same with the recorder whose duty it shall be to record the same upon the payment of his fees. The said specification shall state the place of commencement and termination of said tunnel together with the names of the parties interested therein. a stake shall be placed at the mouth of the tunnel having written thereon the same things hereby made necessary to record

Section II. Be it further enacted that any person or persons engaged in working a tunnel provided he or they shall have complied with the requirements of the law shall be entitled to 250 feet on each side of the line of the tunnel as defined in the specification

Section III. Be it further enacted that the person or persons working a tunnel after the same is legally located shall have the priority of right to all lodes discovered on the line of the tunnel within 250 feet each side of the same. and shall have the right of way 7 x 7 feet through all lodes which may be in its course if said tunnel is recorded staked and worked according to law

Section IV. Be it further enacted that if the person or persons locating a tunnel shall fail to work the same six days in each month after the first day of June 1864 they shall forfeit their claim to said tunnel but not to the claims they have discovered & hold by virtue of discovery before the time of forfeiture

Section V Be it further enacted that no tunnel claim shall be located running on or lengthwise of any known regular lode

Section VI Be it further enacted that when a tunnel is legally located the person or persons locating the same may

Section VI (continued) commence the tunnel at any point within the 500 feet allowed by law provided they shall not claim any discovery out side of the 500 feet.

Section VII Be it further enacted that no person or persons shall be entitled to hold more than 1 claim or interest directly or indirectly in any tunnel claim in this district

An act in relation to the Officers of Lincoln District their term of Office and Fees.

Section 1 Be it enacted by the citizens of Lincoln district in convention assembled that there shall be elected in this district on the first Monday of October in each year the following officers who shall each hold their respective offices for the term of one year unless they shall sooner die, resign, or remove from this district or be removed from their offices for misconduct by the citizens of this district viz: a President, Vice Pres. a Judge of the Miners Court. Sheriff and a Recorder who shall be ex officio secretary of this district and Clerk of the court

Section II Be it further enacted that it shall be the duty of the President of the district to preside at all public meetings of the citizens of this district when called for purposes relating to public business and to preside at the trial of causes in the miners court when required by law.

Section the duties of the Vice President shall be to discharge the duties of the President in his absence or inability to act.

Section III. Be it further enacted that it shall be the duty of the Judge of Miners court to preside at the trial of causes and perform such other duties as the law requires

Section IV. Be it further enacted that it shall be the duty of the Recorder safely to keep the books and records of the district and to record all proper papers upon payment of his fees. to act as secretary of the district and to keep all monies paid into his hands by the Judge of the miners court to be paid over as directed by the citizens at some public meeting legally called.

Section V. Be it further enacted that the Sheriff of this district shall have the same powers in this district as are usually conferred by law to similar officers in the State of Kansas

Section VI. Be it further enacted that the fees of the Recorder shall be Fifty cents for each Claim recorded or transcript given and one dollar for evry deed or transfer of claim And one dollar for tunnel claim, Two dollars & Fifty cents per day for services as clerk of the Miners court when discharging that duty and such other compensation as allowed by law.

Section VII. Be it further enacted that the fees of the Judge of Miners court shall be for presiding at each trial Two Dollars provided said trial shall not occupy more than one day and Two Dollars for each succeeding day. serving summons Fifty Cents and all other papers proper for him to make double the amount allowed by the law of Kansas

Section VIII. Be it further enacted that the fees of the Sheriff shall be as follows, serving summons One dollar + 50 cents serving attachment One dollar, serving execution One dollar, mileage twenty five cents, advertising and selling property 8 per cent on all of One Hundred dollars + under on all sums over one Hundred dollars Six per cent.

Section IX. Be it further enacted that the officers of this district shall continue to hold their said offices until the next annual election subject to the provisions hereinbefore named.

Section X. Be it further enacted that evry person shall be entitled to the right to vote in this district who owns a claim therein which is recorded or worked according to law

Repealed (Superseded)

Section XI Be it further enacted that the President, Judge, Recorder + Sheriff shall each be required to give good and sufficient bonds in the sum of Two Hundred & Fifty Dollars the bonds of the Judge to be approved by the President + the bonds of the President Recorder + Sheriff to be approved by the Judge

An act establishing a Miners Court & regulating its jurisdiction

Section 1 Be it enacted by the citizens of Lincoln district in convention assembled that a regular term of a court to be known as the Miners Court shall be held in this district in some convenient and proper place upon the first Monday in each month and all writs to be made returnable at said term shall be served before the Wednesday next preceding nothing herein contained shall be so construed as to prevent the trials of criminals at any time

Section 11 Be it further enacted that if any person shall wish to commence a suit for the recovery of any claim within two weeks after the regular term of said miners court has commenced a special term of said court may be held to try said cause

Section 111. Be it further enacted that the officers of said court shall consist of a Judge, a clerk, the Sheriff of this district or his deputy

Section 1V. Be it further enacted that it shall be the duty of said Court to sign all writs issuing out of said court either by himself or his clerk, to make all transcripts of Judgements required on payment of his fees, to enter Judgments and issue executions & pay over to the proper parties monies collected on such Judgments and executions, to try all criminals & pay over to the treasurer all monies he may receive for the district for fines and Judgments. And perform such other duties as necessarily appertain to his office.

Section V. Be it further enacted that if the Judge of said court shall not be able to attend any trial or shall be disqualified from any cause to try any suits or if there shall be more business than the court can attend to or if any person shall make his affidavit in writing that he does not believe he can have a fair and impartial trial before the judge of said court or if the said court shall be interested in the event of any

Section V (continued) suit either as plaintiff or defendant or with either of them in any manner the President of the district shall preside in the Miners Court at such trial

Section VI. Be it further enacted that the Miners court shall have equity as well as law Jurisdiction and may grant writs of injunction upon motion in all proper cases and all other motions upon proper cause shown to be supported by affidavits alone & do all such other acts as a court of equity has power to do.

Section VII Be it further enacted that the Miners Court shall have the power to fine for contempts in the sum not exceeding Fifty Dollars and may issue execution thereon the same as upon a judgment

Section VIII. Be it further enacted that the said court shall have power to appoint its own clerk in the absence of the Recorder and the said clerk shall have such power as a clerk of Record has by the laws of Kansas relating to matters that may come before the court in consequence of some process issued therefrom

Section IX Be it further enacted that the Jury for each term of court shall be drawn upon the monday next preceding each term in the following manner. The Sheriff or his deputy shall place the names of Fifty good and substantial men in a box prepared for that purpose, and the Judge of the court or the clerk thereof shall draw the names of eighteen men who shall be summoned to act as grand or petit Jurors for the next succeeding term of court when necessary the sheriff may summon talesmen but no person shall serve as Juror for two successive terms of court.

An act in relation to the practice in Miners Court

Section 1 Be it enacted by the citizens of Lincoln District in convention assembled, that if any person shall wish to commence a civil action in the Miners Court of this district he shall file with the Judge or clerk thereof a statement in writing setting forth his grounds of complaint which shall contain all the allegations and facts

Section 1 (Continued) necessary to constitute a cause of action in plain and unequivocal language. Such statement if in equity shall be in the nature of a petition, if in law of a complaint and shall be known and called by the name of a petition or complaint as the case may be. Upon the filing of either a petition or complaint as aforesaid the court or clerk thereof shall issue a writ of summons to be served upon the defendant to appear and answer at the time therein named or judgement will be taken against the defendant by default if the relief demanded be for a sum of money the amount shall be stated in the summons if for a sum of money and other relief the summons shall state in substance that if the defendant do not appear and answer at the time therein named judgement will be taken against him by default for the sum of money demanded and such other relief as to the court may seem meet; if the remedy applied for shall not be for any sum of money the summons shall ask judgement for the relief demanded in the complaint if at law or the petition if in equity.

Section II Be it further enacted that the defendant may at any time before the time of trial at law of any cause entered in the same court file his answer or demurrer upon either of which the plaintiff may join issue and an answer be filed containing new matter irrelevant to the issue, it must be denied or avoided by the plaintiff in his reply and all matters not denied or avoided by one pleading subsequent to another shall be taken as confessed and true

Section III Be it further enacted that all pleadings subsequent to the petition in equity shall be the same as used in the United States courts of equity and the term of three days shall be granted for the filing of each pleading subsequent to another until the issue is made up

Section IV Be it further enacted that all pleas in equity shall be verified and no remedy shall be allowed in equity when the same can be had at law

Section V. Be it further enacted that in cases of the forclosure of a mortgage or lien of any kind upon a claim the [illegible]

Section V (Continued) of redemption when the same is allowed shall not extend beyond thirty days

Section VII Be it further enacted that the rules of evidence as admitted in the courts of the U.S. shall be observed in the miners court with the exception that either party may file his affidavit in court at any time before the commencement of a trial wherein he may depose to any facts relative to the issue and shall thereafter depose in the same that none of the foregoing facts contained in such affidavit can be proven by any witness whose testimony it is possible to procure either by a deposition or the usual process of the court to compel the attendance of witnesses when the affidavit may be read in evidence, the adverse party may have the right to rebut or explain the said facts as set forth by affidavit or depose to any facts that may legally affect the matters deposed to by his opponent which affidavit may also be read in evidence

Section VI Be it further enacted that in all cases of judgement for partition of claims between joint owners, three disinterested commissioners shall be appointed by the court who shall effect such partition

Section VIII Be it further enacted that depositions may be used in this court in evidence provided the witness is sick and unable to attend the place of trial, about to leave the country or is out of the jurisdiction of this court if to be taken within the county of Arrapahoe notice shall be given to the adverse party of the time & place where the said deposition is to be taken if out of said county no notice need be given

Section IX Be it further enacted that no cause shall be continued unless upon affidavit of a party or his attorney of the absence of a material witness whose evidence is material to the issue which he shall state as he believes he can prove by said witness and that the said party can not safely proceed to trial without the evidence of said witness which he believes he can procure at some future time which he shall state or for some other good & sufficient cause ...

Section X Be it further enacted that in all cases of attachment & replevin the practice prescribed by the laws of Kansas shall be observed and when in the case of attachment the defendant has left the county or keeps himself secreted within the same so that process can not be served upon him Publication by posting three notices in as many conspicuous places within the district for the term of two weeks shall be deemed sufficient notice the order of publication shall not be granted by the court until the summons has been returned by a proper officer which return shall show that he has made diligent search and inquiry and can not learn that the defendant is in this County or that he can not find the defendant and believes he keeps himself secreted to avoid the service of a summons together with other evidence tending to make either of said facts appear

Section XI Be it further enacted that garnishee process may issue as a part of the original writ to be served on both defendant and garnishee or separately or it may be issued after execution is returned unsatisfied and in either case if the garnishee shall pay the amount over to the defendant after legal notice he shall still be held liable to the amount of plaintiffs judgments & costs; if he was indebted to that amount when service was made and if in a smaller sum the amount he was indebted at the time notice was served

Section XII Be it further enacted that all special proceedings in the miners Court shall be conducted according to the forms prescribed in the Statutes of Kansas for the year One thousand Eight Hundred & Fifty Nine as far as consistent with the laws & local affairs of this district and all motions relating to such proceedings shall be sustained or opposed by affidavits alone

Section XIII. Be it further enacted that new trials of all causes which have been or may be tried shall be granted upon the same terms or by the rules of the Common law & it shall be discretionary with the court in all cases to grant or reject the application.

Section 14 Be it further enacted that no debt or demand of any nature shall be collected by suit in this court which has not originated either in coming to this mining region or since the arrival of such debtor within the proposed limits of Jefferson Territory

Section XV. Be it further enacted that in all cases where the liability of persons in action founded upon contract or in mixed actions or tort is not pointed out and defined by the laws of this district the common law rules shall apply to such liability.

Section XVI Be it further enacted that in all suits either in law or equity the order of publication shall be allowed as hereinbefore provided

An act relating to Trial and its incidents.

Section 1. Be it enacted by the citizens of Lincoln district in convention assembled that in all cases where a civil action is hereafter commenced in the miners court the plaintiff shall file a bond with one or more good & sufficient securities conditioned to pay all costs which may be taxed against him in case he should fail to recover judgement in said suit.

Section II Be it further enacted that in case the costs can not be collected against the defendant in any cause wherein the plaintiff shall recover judgement the said plaintiff shall be held responsible for all costs he shall make in said suit

Section III Be it further enacted that upon the return day of a summons if either party shall call for a jury he shall first advance the fees at the rate of two dollars for each juror and in case he shall prevail in the same the fees so advanced shall be taxed against the adverse party but in case no jury is called for the cause shall be tried by the court

Section IV. Be it further enacted that when a jury is called for the court or clerk shall call twelve persons from the jurors summoned and each party shall strike off three until but six remains, who shall proceed to try and determine said cause.

Section V. Be it further enacted that if any person shall enter an appeal from the Jury of Six he shall give notice thereof upon the same day the jury verdict was rendered either by giving a notice in open court or procuring the same to be entered upon the docket of the court and shall perfect his appeal within three days by paying up all costs before that time giving security for future costs and advancing the Jurors fees. The cause shall then be set for immediate trial unless otherwise agreed upon between the parties, all appeals to be tried before the President.

Section VI. Be it further enacted that the defeated party shall be in all cases liable for the costs of suit

Section VII. Be it further enacted that the suit shall be decided by a Jury of Twelve men and from the decision of said Jury there shall be no appeal

Section VIII. Be it further enacted that all executions issuing out of the Miners court shall be made returnable in ten days from date & the sheriff shall note on each execution the day & hour he received the same & return the said execution within the said ten days whether satisfied or not with his proper return thereon endorsed

Section IX Be it further enacted that witness fees shall be one dollar & fifty cents for each day and twenty five cents mileage

Section X Be it further enacted that two thirds of a Jury who shall agree shall be competent to find a verdict.

An act in relation to levy and sale upon execution

Section 1. Be it enacted by the citizens of Lincoln District in convention assembled that there shall be exempt from levy and sale upon execution all tools for mining, bedding, clothing, cooking utensils and necessary provisions for three months and in case of a man residing with his family a dwelling house not exceeding Five Hundred dollars in value & such articles of household

Section I (continued) furniture as are strictly necessary

" II. Be it further enacted that all property taken in execution shall be posted in three conspicuous places in the district for the ten days next preceding the sale thereof and the Sheriff may adjourn the said sale when it appears that the notice of the property posted can not be sold, unless at a great sacrifice for want of bidders

Section III. Be it further enacted that money collected on execution shall be paid into the hands of the court by the Sheriff to satisfy the judgment in whole or in part that may be recorded on his books and the court shall pay the same to the proper parties.

An act relating to Crimes & Nuisances committed in Lincoln District —

Section I Be it enacted by the citizens of Lincoln district in convention assembled that all crimes committed in this district shall be punished as a jury of twelve men shall direct

Section II Be it further enacted that any person who shall cause any nuisance affecting the health of the people of this district or liable to affect the health of the people of this district may be sued for the same in the miners court in the name of Lincoln District v.s. the defendant and shall be liable to pay damages in a sum not exceeding One Hundred dollars for the use of said district & cost of suit

Section III Be it further enacted that if any person shall obstruct any highway or make any pit or hole and leave it open so as to endanger life or limb upon any usually travelled road or trail. Such person may be sued as aforesaid for committing a nuisance and be liable to said district in damages as provided in section two with costs of suit

Section IV. Be it further enacted that every other act of commission or omission which may affect the public health or convenience shall be regarded as a nuisance and the person or persons causing the same shall be liable accordingly

Section V Be it further enacted that after any conviction for a nuisance in said miners court if the said nuisance is allowed to remain for twenty four hours thereafter the person or persons who caused the same and whose duty it should have been to have removed it shall be again liable in damages and shall also be liable for each 24 hours after the conviction as hereinbefore provided in this act

Section VI. Be it further enacted that any person or persons selling spiritous liquors of any kind except for medicinal or manufacturing purposes upon conviction for the same shall for the first offence pay a fine not exceeding fifty dollars for the second twenty five for the third banishment from the district. If any individual shall draw a deadly weapon upon any person in the district, he shall be banished from the district

Section VII. Be it further enacted that executions shall issue in all cases under the provisions of this act in the name of the district the same as in any other suit at law -

An act containing general provisions for the Government of Seminole District

Section I Be it enacted by the citizens of Seminole District in convention assembled, that the Judge of the Miners Court shall pay over each week to the treasurer of the district all monies he may collect from judgements in favor of the district, contempts of court and fines of every kind and the treasurer shall not pay the same out to any person unless upon the vote of the miners given at some meeting legally called.

Section II Be it further enacted that the President may call a public meeting at any time he may deem the same necessary; by having three notices posted in as many conspicuous places in the district; if he decline calling a meeting at the request of any individual it shall be his duty to call a meeting upon receiving a written petition signed by seven citizens of the district accompanied by the payment of the Secretary fees which shall be two dollars for each service - Notices of said meeting to be issued by the secretary by order of the President which shall give at least three days notice

Section III Be it further enacted that no Timber or Lumber shall be taken out of this district for building purposes except Scantling, Plank, or Shingles. Plank not to run 3 inches in thickness Scantling 4 × 4.

Section IV Be it further enacted that until the district shall be able to build a court house for the transaction of public business, the Recorder shall be authorised to hire a suitable room for the transaction of public business and for the trial of causes. The sum of two dollars shall be allowed to be taxed with the costs of such suit for the use of said room for each trial. But all public meetings of the miners shall be held without charge

Section V. Be it further enacted that these laws may be amended or repealed by a two third majority of the citizens of this district voting for the same at any regularly called meeting for that purpose. Provided no ex-post facto laws shall be passed affecting the vested rights to property or claims in this district

Section VI. Be it further enacted that all lode claims shall be ~~measured~~ by survey or air line

Section VII. Be it further enacted that any claimant on a lode be entitled to all the law sets forth i.e. all that is within 25 feet each side of the crevice on said lode

Section VIII Be it further enacted that no right or title will be granted to parties desiring to establish a toll Road

Repeals and Amendments passed March 23d 1861

Section I. Be it enacted by the citizens of Seminole District in convention assembled — that all laws relating to Tunneling be & are hereby repealed.

Section II. Be it further enacted that the law relating to the return of executions, making the same returnable in ten days be amended so as to read twenty days

Section III. Be it further enacted that when a party or parties shall stake a claim or claims, that the staking of the same shall constitute a title thereto for the term of ten days upon said party or parties filing with the Recorder in their own hand writing a specification setting forth the above and the same shall not be considered as filed for record but merely as a statement setting forth the rights of said parties according to law and after the expiration of said ten days upon receiving his fee or fees the Recorder shall record the same stating in the record the date said specification was filed — all previous laws relating to this are hereby repealed

Section IV. Be it further enacted that the Recorder shall not be required to place upon record any document whether setting forth the claims of discovery pre emption or transfers, bills of sale deed &c &c until he shall have received his fees for the same, and that he may keep a record day book from which only shall such records be made as shall conform to this act.

Section V. Be it further enacted that the Plaintiff in any case brought before the miners court where writ of attachment is issued with the Summons shall give good & sufficient security with bonds for all the cost he may make in bringing said suit and double the amount for which he may claim damages

Section VI. Be it further enacted that ~~the~~ Section X Article 14 (Page 6) is hereby amended as follows. No person shall be entitled to vote at any election held in this district for the election of Officers except he has been a resident of the district ten consecutive days immediately prior to the election the above were approved March 23d 1861 Over